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6 ATTORNEYS FOR DEBTORS
RANULFO RIVERA MORALES &
MARIA LUISA MORALES
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8 UNITED STATES BANKRUPTCY COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 IN RE:) CASE NO. **13-52048 ASW**
11)
RANULFO RIVERA MORALES) CHAPTER 13
12)
MARIA LUISA MORALES) Date: July 28, 2015
13) Time: 2:30 PM
Debtors.) Courtroom: 3020
14) Honorable Arthur S. Weissbrodt

15 **DECLARATION OF RANULFO RIVERA MORALES IN SUPPORT OF**
16 **MOTION TO VOID AND STRIP LIEN OF ROBERT E. MCCRORY**
17

18 I, Ranulfo Rivera Morales declare:-

19 I am a Debtor in the above-entitled case. The matters set forth herein are based upon my
20 personal knowledge, except as to those matters based upon information and belief, and as to
21 those matters I believe them to be true, and if called as a witness I could competently testify
22 thereto. In support of the Motion to Void and Strip lien of Robert E. McCrory, I declare the
23 following:-
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1. I am on title to my residence at 390 Welburn Ave, Gilroy, CA 95020 and this is my

1 primary residence.

2 2. My residence is presently encumbered with a senior deed of trust held by Wells Fargo
3 Bank, N.A., s/b/m to Wachovia Mortgage, FSB a division of Wells Fargo Bank, N.A., and
4 formerly known as Wachovia Mortgage FSB, formerly known as World Savings Bank, FSB,
5 with a principal balance of \$418,086.91. I understand a Proof of Claim filed with the Court by
6 the senior deed of trust holder was for said amount.

7 3. In addition, the property is also encumbered with a junior deed of trust, held by Robert
8 E. McCrory in the amount of \$50,000.00. A copy of this Deed of Trust is annexed hereto as
9 Exhibit "3".

10 4. The junior deed of trust was recorded with Santa Clara County on December 20, 2006,
11 as document number 19234686.

12 5. My opinion of the property's fair market value is based upon the value of comparable
13 homes on or about the date of filing of this petition, the property's value is \$315,651.00 as of the
14 date of the bankruptcy filing. My opinion is offered in my capacity as the owner of the property
15 who is familiar with property values in my area. A copy of Schedule A as filed in my case is
16 annexed as Exhibit "4".

17 6. The value of the property \$315,651.00 less the value of the first deed of trust
18 \$418,086.91 is a negative value of at least \$102,435.91. Therefore, the value of the security held
19 as collateral for the junior deed of trust by of Robert E. McCrory is \$0.00.

20 7. That based on the foregoing, the claim of Robert E. McCrory for its junior deed of trust
21 should be treated as an general unsecured claim unless it is a purchase money obligation and that
22 its secured claim for its junior deed of trust shall be \$0.00

23 I declare under penalty of perjury under the laws of the United States of America and of
24 the State of California that I have personal knowledge of the foregoing, that the foregoing is true

1 and correct to the best of my knowledge, and that if called as a witness could competently testify
2 thereto.

3 Executed June 1st, 2015, in San Jose, California,
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5 /s/Ranulfo Rivera Morales

6 **RANULFO RIVERA MORALES**
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